IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Tuesday, the Twenty sixth day of October, two thousand and four

Present:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION Nos.19446/1999 AND 1812/2000

WRIT PETITION No.19446 OF 1999

Between:

1. B.R.Sekhar S/o B.Abisholam, aged about 40 years.
2. M.Somashekar Reddy s/o M.Obul Reddy, aged 40 years.
3. S.Noyrullah Basha s/o Umariddin, aged about 35 years.
4. M.Vasundara Babu s/o M.S.Rao, aged about 42 years.
5. D.R.Mohan S/o D.Durgaiah, aged about 42 years.

All are R/o Madanapally, Chittoor District.

…Petitioners

And

1. The Managing Director, APSRTC., Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC., Tirupathi Region, Chittoor District.
3. The Personal Officer, APSRTC., Chittoor Region, Chittoor District.
4. The Depot Manager, APSRTC., Madanapally Depot-I, Chittoor District.
5. The Depot Manager, APSRTC., Madanapally Depot-II,

Chittoor District.

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not regularizing the petitioners with effect from their initial appointment is illegal, arbitrary and unjust and consequently direct the respondents to regularize the services of the petitioners from the date of initial appointment i.e., 1) 15-7-1984, 2) 10-12-1986, 3) 10-12-1986, 4) 10-12-1986 5) 24-4-1985 respectively for the purpose of increments and other benefits.

For the Petitioners: Mr.G.Ravi Mohan, Advocate.

For the Respondents: Mr.A.V.Sivaiah, Mr.V.T.M.Prasad and Smt.P.Rajani Reddy, SC., for APSRTC.

WRIT PETITION No. 1812 OF 2000

Between:

Sk.Md.Ismail, s/o Shaik Ameer, aged about 32 years, R/o Nirmal, Adilabad District.

…Petitioner

And

1. The Managing Director, APSRTC., Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC., Adilabad Region, Adilabad District.
3. The Depot Manager, APSRTC., Nirmal Depot-I, Adilabad District.

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not regularizing the petitioner with effect from the date of initial appointment as illegal, arbitrary and

unjust and consequently direct the respondents to regularize the services of the petitioner from the date of initial appointment i.e., 18-12-1991 for the purpose of increments and other service benefits.

For the Petitioners: Mr.G.Ravi Mohan, Advocate.

For the Respondents: Mr.V.T.M.Prasad and Smt.P.Rajani Reddy, SC., for APSRTC.

The Court made the following :

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

COMMON ORDER:

Both the writ petitions are filed, seeking regularization of services of the petitioners from the date of their initial appointment and for other

consequential benefits.

The petitioners are working in Andhra Pradesh State Road Transport Corporation (APSRTC). Some of petitioners are the Drivers, some of them are Conductors and some of them are Mechanics.

It is submitted by the learned counsel for the petitioners that the petitioners are entitled for regularization of their services right from the date of their initial appointment.

With the similar relief, several writ petitioner are filed and they are allowed by this Court following the earlier Judgment of the Division Bench of this Court, directing the respondents to regularize the services of the petitioners therein from the date of their initial appointment. Challenging the said Judgment, Writ Appeals filed by the respondent (APSRTC) were also dismissed. Aggrieved by the dismissal of the same, APSRTC., carried the matter before the Supreme Court in Civil Appeal No.2455 of 1999 and Batch. The Supreme Court disposed of the same by a reported Judgment in **Divisional Manager, APSRT and others Vs. P.Lakshmoji Roa**. In para 18 of the said Judgment, the Supreme Court observed as follows:-

> "**In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:-**
>
> **If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the same benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are senior to them, shall be given the same benefit on the same principle".**

All these Writ Petitions are disposed of in terms of the aforesaid Judgment of the Supreme Court. No costs.

V.ESWARAIAH, J

Date: 26-10-2004.

Shr.

Asst. Registrar.

To

1. The Managing Director, APSRTC., Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC., Tirupathi Region, Chittoor District.
3. The Personal Officer, APSRTC., Chittoor Region, Chittoor District.
4. The Depot Manager, APSRTC., Madanapally Depot-I, Chittoor District.
5. The Depot Manager, APSRTC., Madanapally Depot-II, Chittoor District.
6. The Regional Manager, APSRTC., Adilabad Region, Adilabad District.
7. The Depot Manager, APSRTC., Nirmal Depot-I, Adilabad District.